

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re patent of:** Nachmanson et al.

**Patent No.** 7,590,520

**Issued:** September 15, 2009

**Application No.** 10/758,797

**Filed:** January 15, 2004

**Confirmation No.** 6509

**For:** NON-DETERMINISTIC TESTING

**Attorney Reference No.** 3382-66933-01

**FILED VIA EFS  
ON FEBRUARY 11, 2010**

COMMISSIONER FOR PATENTS

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT  
IN VIEW OF *WYETH v. KAPPOS*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010)**

Patentee hereby requests recalculation of the Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) indicated on the above-identified patent. The patentee's sole basis for requesting the recalculation is the USPTO's Pre-Wyeth interpretation of 35 U.S.C. § 154(b)(2)(A).

Patentee makes this request without a fee as an alternative to the petition and fee required by 37 C.F.R. § 1.705(d).

This request is being submitted within 180 days of the issuance of the referenced patent.


Patentee understands that no fee is required. However, if a fee is required, please charge any such fees in connection with filing this petition to Deposit Account No. 02-4550.

Respectfully submitted,

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